

STAINES — 10/702,097
067965-0306767REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Applicant appreciates the Examiner's indication that claims 1-20, 23-33 and 35-39 contain allowable subject matter.

In claim 1, applicant has changed the claim to refer to "truck types" as consistent with the intended meaning. As amended, the informality is overcome. Similarly, the informalities noted with respect to the mounting bracket recited in claims 1 and 21.

Claims 21, 22 and 34 stand rejected under 35 USC 102(b) as being anticipated by Kanemitsu 5,358,304. Applicant has amended claim 21, and as amended, respectfully traverses the Examiner's rejection.

The present invention is clearly directed toward an apparatus for storing an article under the hood of a motorized vehicle, with the engine compartment of the motorized vehicle referred to in the preamble as containing numerous different elements, including a radiator. The '304 patent illustrates a cooling assembly that includes a condenser 130 and a radiator 128. Given that the radiator was explicitly referred to in the claim, the Examiner has asserted that the condenser 130 reads on the "container" as recited. While applicant submits that one of ordinary skill would not have read the condenser 130 of the '304 patent as the recited container for an article, in order to obviate any possible argument of this point, applicant has amended claim 22 to refer to the container as an "article storage container... including a top opening that allows for the insertion and removal of a plurality of articles." The "condenser" of the '304 patent is not an "article storage container," as it is rather a container intended to hold a condensing fluid, not an article of storage. Also, the condenser clearly does not include a top opening that allows for the insertion and removal of a plurality of articles. For these reasons, the amended claim language clearly distinguishes this cited reference.

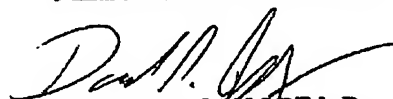
STAINES -- 10/702,097
067965-0306767

All objections and rejections having been addressed, and in view of the foregoing, the claims are believed to be in form for allowance, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned at the telephone number listed below.

Dated: March 2, 2005

Respectfully submitted,

PILLSBURY WINTHROP LLP



DAVID A. JAKOPIN, Reg. No. 32995
Tel. No. 650/233.4790

60393363

Customer No. 27498
2475 Hanover Street
Palo Alto, CA 94304-1114